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THE OBSERVATOR.

The Power of an English Parliament *in Settling the Succession of the Crown and the Limitations thereof. Conclusion of the Vindication of the* Revolution. *A Touch on Her Majesties Speech.*

From **Saturday** November the 3d, to **Wednesday** November the 7th, 1705.

Obs. HOneſt *Country-man*, I am now come Home; and ſhall haſten to a Concluſion of my Subject, but in ſuch manner as may fully Vindicate the Proceedings of our Parliament upon the *Revolution*; don't wonder that I call the Convention a Parliament, for they were the whole Eſtates of the Kingdom, the other being gone; and they had then the full Power; for tho' the King may Dye or Elope, yet the *Regal Authority* being Virtually in the Crown, which on ſuch occaſions is in the Peoples Keeping and Diſpoſal, can never dye. And tho' they were not a Parliament in form, yet we found they had the Virtue and Power of a Parliament, by making an Act for that End when they had filled the Vacant Throne.

I ſhall not mention much of *Offa's* Election, tho' 'tis clear enough from his own Words, *Ad Libertatis veſtræ Tuitionem, non meis Meritis, ſed ſola Liberalitate veſtra unanimiter me convocaſtis. Choſen only for the Safety and Defence of the Peoples Liberty.*

And I ſhall but juſt mention how *Cuthred Beonerd*, and others were Depoſed by Parliament in the Infancy of *Monarchy*.

The Parliament of *Calcuth*; *Conventus Panangli*cus, *ad quem convenerunt Principes tam Eccleſiaſtici, quam Seculares:* Wherein, by the *King, Arch-Biſhops, Biſhops, Abbots, Dukes, Senators, & Populo Terræ* (Lords and Commons) It was Decreed and Enacted. *That Kings ſhould be Elected by the Parliament, A Sacerdotibus & Senioribus Populi Eligantur; and being ſo choſen, they ſhould have Prudent Councellors fearing God; Conſiliarios Prudentes, Deum timentes, and that Baſtards (De Adulterio vel Inceſtu Procreati) begotten either in Adultery, or Inceſtuouſly*, ſhould not be admitted to the Crown. For this, ſee Sir *Henry Spelman*, and *Magdeburgens. Edit Baſil* 1567. Thoſe Ages of *Innocency* knew not the Diſcipline of the *Warming-Pan*, a Procreation worſe than that of *Adultery* or *Inceſt*, and therefore could make no Proviſion againſt it.

I ſhall not be tedious in giving Inſtances of the Peoples Power in Electing their *Governours*, I mean the *Repreſentative Power*, that is, their Power in Parliament. Thoſe that are Learned and Curious may ſatisfie themſelves in this Point by comparing the Conſtitutions of *Odo, De Officio Regum & Secularium Principum* (which they may Read either in the *Saxon* or *Latin*) with the Statutes of *Calcuth*.

Since the *Rehearſal*, the *Politick Mercury*, and others run the *Power* of *Parliament* to the loweſt degree of Weakneſs, thereby to blemiſh the *Revolution*, and make the *Queens Right* precarious, I ought to be large in ſhowing the *Antiquity* and *Power* of *Parliaments*, in Oppoſition to thoſe *Libels*; but I muſt contract my Diſcourſe, which, yet, may be large enough for the Learned.

We have full Proofs of *Parliament* in *Canute's* time. The *Monk* of *Malmſbury*, tells us how He confirmed the *Laws* of *Ethelred*, and others of His Predeceſſors. He Records his Remarkable Letter from *Rome*, directed to the *Arch-Biſhops, Biſhops*, &c. *Primatibus, & Toti Genti Anglorum, tam Nobilibus quam Plebeis.* Hoveden *is full in this alſo, and produces a clear Summons to Parliament. Cujus (Edmundi) poſt mortem, Rex Canutus, Epiſcopos, & Duces, Nec non & Principes cunctosq; Optimates Gentis Angliæ, Lundoniæ Congregari Juſſit.*

The Name of *Parliament*, is found in the Old Book of *Edmundſbury* of his time. *Rex Canutus Anno Regni quinto*, &c. *Cunctos Regni ſui Prælatos, Proceresq; ac Magnates ad Suum Convocans Parliamentum.* And again in another place, *In ſuo Publico Parliamento.* A full *Parliament*, and the Title of theſe *Acts* is, *Statuta Regis Angl. Dan. Norw. Venerando Sapientum ejus Concilio, ad Laudem & Gloriam Dei, & ſui Regalitatem* (Reipub. Utilitatem) *& Commune Commodum, habita in S. nat. D. apud Winton*, &c.

I think I need bring no other Inſtances to ſhow the *Power* and *Antiquity* of an *Engliſh Parliament*, to prove what we did upon the *Revolution* had nothing of *Novelty* in it, but was preſcrib'd by our *Laws*, and the *Cuſtoms* and *Uſage* of our *Anceſtors*.

But I cannot here omit taking Notice of one thing in theſe Statutes of *Canutus* at *Winton*, That they knew nothing of *Occaſional-Conformity-Bills*, but were entirely for *Liberty of Conſcience*, as the Acts ſpeak. Nay, to encourage Men to Vertue, 'tis Enacted *That Chaſt Men of* God *ſhall enjoy the ſame* Rights *or* Priviledges *with* Thanes.

For the Power of *Parliament* in *Peace* and *War*, you may Conſult *Fleta*, the Statute of *Wincheſter*, *Wendover*, *Matt. Paris*, and the Law Books; not only in Raiſing of Money, but in Adviſing the King about the Neceſſity of the *War*, *Quod Omnes tangit, ab Omnibus approbetur*, was one Clauſe in the *Writ of Summons* to *Parliament*, (about a War with *France*) in *Henry* I. and indeed it is moſt Juſt and Reaſonable, *That what did ſo much concern all, ſhould be conſider'd by all.* And *Forteſcue* maketh it neceſſary for the King, and his Duty to call a Parliament in ſuch Caſes.

The Libellers againſt the *Government* and ſuch as have aſſerted the *Hereditary Right* of *Succeſſion*, in order to prove the *Revolution* a *Rebellion*, have taken care to give Her Majeſty no other Right than that of Succeſſion in the Right Line, which is the weakeſt Title, being often Conteſted and Dubious, and which they have trump'd up, they themſelves having another Title, which they durſt not Publickly own; but if the Queen is come to the Throne both by Her Right of *Succeſſion* (for Her being the Daughter of King *James*

gave

gave Her a Right of Preferance) and by the Unanimous Conſent of the People, She has much the better and ſtronger Right, for the People will always Maintain thoſe Proviſions of Government, which they have made for themſelves.

But ſince *Mercurius Politicus* and *Leſly* in his Libel *Caſſandra*, do Plant their Artillery to Batter the *Government* on the Mound of *Prime-geniture* and *Hereditary Right*, one telling us *That by the* Revolution *we loſt our* Conſtitution, *&c.* and the other calling the *Revolution* a *Rebellion*, I ſhall briefly hint, That we did not do more; nay, not ſo much, in altering the Succeſſion, as our Anceſtors have done before us.

The Crown of *England* has been altered by the Community, and ſettled on thoſe from whom they might expect better *Uſage*, and more *Juſtice*, than from the next in Succeſſion.

Before the pretended Conqueſt we have Inſtances in the Election and Crowning of *Edewald* and *Caſſibelan*; *Egbert* not next in *Blood*. *Edward*, *Adalſton* and *Harold* were all Illegitimate. *Edred* againſt the Right of his two Nephews, *Canutus* a Foreigner, *Hardiknute* without Title, and *Edward* the *Confeſſor*, againſt the right Heirs.

After the Conqueſt, *Anno* 1087. *Robert*, the Elder Brother, was ſet aſide, and *William Rufus*, Third Son of *William* the *Norman*, was Elected: After his Death *Henry* the Firſt, his Younger Brother (tho' not next Heir) was Choſen by the People, not Summoned by *Writ*. After his Death *Stephen* was Choſen King againſt the Succeſſive Right of *Maud*, Daughter of *Henry* the Firſt, as after his Death was *Henry* the Second. After the Death of *Richard* the Firſt, King *John* (Earl of *Morton*) was Elected, and *Arthur* the right Heir Diſ-Inherited. *Henry* the Third was Choſen againſt the Right of *Eleanor*, Prince *Arthurs* Siſter. At the Death of *Henry* the Third the States of the Kingdom met and Settled the Government, by appointing Officers and what was thought fit for the Defence of the Realm; and *Edward* the Fourth was ſet up by the People, during the Life of *Henry* the Sixth.

Now it is plain That the Kings and Queens of *England*, ſince *William Rufus*, have proceeded from thoſe who were ſet up by the People againſt the next Heirs; ſo that aſſerting the Poſſeſſion of *Hereditary-Right*, as now aſſerted to weaken Her Majeſties Title, is a ſort of Cancelling all the Glorious Actions that have been done by thoſe Kings ſet up by the People, and making *Plebeian*, or worſe, the Blood of many of our Nobility, who were Created by thoſe Princes; for he that has no Right to the Crown, can give no Right to a Title of Honour: It makes many in the Royal Liſt Uſurpers, and leaves the Right of Succeſſion ſo much in the Dark, that no Body will be able to find it.

Our Antient Accounts of the Buſineſs of Parliaments make one chief part thereof, the Settling of the Succeſſion and the Limitations of the Crown. Sir *Thomas Smith*, who was a Doctor of both *Laws*, and Secretary of State to Queen *Elizabeth*, in his Treatiſe *de Republica Anglorum*, ſpeaking of the Buſineſs of Parliament, ſays, *& JUS IN REGNO SUCCEDENDI PRESCRIBUNT. They alſo Preſcribe the Right of Succeſſion to the* Crown.

By the 13 *Eliz.* Chap. 11. It is made High-Treaſon for any One to ſay That the Queen and Parliament cannot Settle the Succeſſion, and Reſtrain and Limit all Perſons, their Rights and Titles to the Crown of *England*; and tho' this was made Treaſon only during that Reign, yet, by the ſame Act, it remains a Præmunire to this Day.

I could, Honeſt *Country-man*, ſay much more to this Point, and indeed had not ſaid any thing to it, but in Vindication of the *Revolution*, and the *Queens Right* to the *Crown*, Publickly Oppoſed by thoſe two Impudent Libels, the *Rehearſal* and *Mercurius Politicus*.

We have the Beſt of *Queens* with the Beſt of *Titles*; we have a *People* that Rejoyce exceedingly under Her *Serene Government*; we have a *Parliament* that we need not Queſtion will Maintain Their Soveraigns, Their Own and the *Rights* of the People They Repreſent, and I wholly leave the Conſideration of this Affair to that *Auguſt Aſſembly*.

Country-m. Maſter, I thank you for your Information, which is not only Serviceable to me, but to the whole Kingdom, eſpecially thoſe that Love the *Queen* and *Government*. Thoſe Men muſt run away from their own Reaſon, that do not ſee the *Juſtice* of the *Revolution*, and the *Lawfulneſs* of the preſent *Settlement*, which theſe Men ſo Wickedly Oppoſed. But, Maſter, one Word of the Queens moſt Excellent Speech; methinks I love to hear it ſpoke of; I have ſo conn'd it over, that I have got half of it by Rote; and I'll go to Mr. *Cope*, and get him to Print it in a Broad-Sheet, as he did Her other Speeches, that I may put 'em up in a Golden Frame in my Parlour.

Obſ. Had not Her Majeſty the greateſt Reaſon to Complain of thoſe that have been *ſo very Malicious, as to Suggeſt the* Church *of* England, *as by the* Law *Eſtabliſhed, to be in Danger at this time*; when in the *Memorial* of a certain *Party*, they *Aſperſe* Her Majeſty as being abated in Her *Zeal* for the *Church*?

Is it not the Duty of every True *Engliſhman*, to Eſpouſe the Cauſe of *Injur'd Majeſty*, and to tell theſe *Ingrates*, theſe *Barbarous Detractors*, that therein they have made ſuch Excuſes from Truth, that nothing but the Father of *Lies* could have help'd 'em to? Is Her Majeſty abated in Her *Zeal* for the *Church*, becauſe ſhe would not fall in with and agree to the Idle Chimera's of ſome who make pretences to the Church, and are the greateſt Enemies to it, and who would, by their *Intemperate Zeal*, ſet both Church and State in a Flame?

Wherein is Her Majeſties *Zeal* abated? Is She not ſtill the Head of the *Church*, and is She Negligent of Her own Right? Is She not more conſtant at the *Communion* and *Service* of the *Church*, and a Princeſs of more *Exemplary Life* and *Converſation* than moſt of Her Predeceſſors? I am apt to think that Her Majeſties *Devotion*, Her *Piety*, Her *Strict Conformity* to the *Doctrines* and *Diſcipline* of the *Church*, is what theſe Men grumble at; for the Perſons that make ſuch a Noiſe of the *Churches* Danger, are partly ſuch as refuſe the Oaths to the *Government*, and ſuch as never, but *Occaſionally* come to the *Church*, are Men of *Diſſolute Lives* and *Converſations*, and are a Scandal to any *Church*.

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